

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS**

DIVISION: LUFKIN

JUDGE: RON CLARK

BLACKBOARD, INC.  
*PLAINTIFF*

DESIRE2LEARN, INC.  
*DEFENDANT*

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DATE: 3/10/08

REPORTER: CHRIS BICKHAM

CIVIL NO.: 9:06CV155

C/R DEPUTY: FAITH ANN LAURENTS

Attorneys for Plaintiff: Fay Morisseau, Mike Nadel, Dan Foster, Matt Small, Thad Heartfield  
Chris Bright, Clay Dark

Attorneys for Defendant: Jim Dasso, Gregory Norrod, Jonathan Spivey, Diane Lank, John Baker

THIS DAY CAME THE PARTIES BY THEIR ATTORNEYS AND THE FOLLOWING

PROCEEDINGS WERE HAD: Motions hearing held in Beaumont. 10:05 am Court began. Court took up issues regarding interest. 10:25 am Court discussed issue of future damages and jury. Court heard further arguments regarding interest. Court heard arguments regarding injunction. 10:45 am Dr. Mark Jones, sworn and questioned by the Court. 11:00 am Court questioned Mr. Dasso. 12:00 pm Court recessed. 1:30 pm Court resumed. Dr. Keith Ugone sworn and made statements to the Courts. Discussions continued regarding interest. The Court stated on the record, findings regardings motions, interest and the Final Judgment. 2:20 pm Court and lead counsel entered chambers for sealed discussion. 2:30 pm Court recessed. 2:35 pm Court resumed. Court instructed counsel to confer regarding proper royalty. Court gave reasons on the record regarding request for attorneys fees. Court will enter a written Judgment and Permanent Injunction. 3:10 pm Court adjourned.

DAVID J. MALAND, CLERK

/s/ Faith Ann Laurents  
Deputy Clerk

TOTAL TIME: 3 hrs. 30 mins.